



State of Florida
Department of Children and Families

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Office of Inspector General

Enhancing Public Trust in Government

REDACTED

OLG Investigation

2009 – 0032

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Inspector General

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and
Advance Personal and Family Recovery



DEPARTMENT OF CHILDREN AND FAMILIES

Office of Inspector General Investigative Report

Case Number: 2009-0032

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Introduction:

Section 409.1671, Florida Statutes, directs the Department of Children and Families (Department) to outsource the provision of family services by contracting with qualified organizations for an integrated system of Community-Based Care (CBC). CBC organizations throughout the State of Florida have taken responsibility for providing in-home and out-of-home services to victims of child abuse. According to information contained in Department contracting files, Lakeview Center, Inc. (LCI) has contracted with the Department since December 21, 2001 under contract #AJ481 as the lead CBC agency in Circuit 1's area of responsibility (Escambia, Santa Rosa, Okaloosa, and Walton Counties). LCI's current contract is for the five-year period beginning July 1, 2007 and ending June 30, 2012. A division of LCI known as Families First Network (FFN) coordinates and manages foster care, adoption, and other CBC services.

On March 20, 2009, former¹ FFN Family Services Counselor (FSC) Helen ("Diane") Dudley submitted a homestudy document [for Florida Safe Families Network² (FSFN) Case ID #52864] to her immediate supervisor, FFN Team Supervisor Tina Steward. This document was to be submitted to the court regarding the placement of 16-year-old female [REDACTED] (hereinafter referred to as "child 1"), 15-year-old male [REDACTED] (hereinafter referred to as "child 2"), 12-year-old male [REDACTED] (hereinafter referred to as "child 3"), and 10-year-old females [REDACTED] and [REDACTED] (hereinafter referred to as "child 4" and "child 5", respectively).³ Caregiver [REDACTED] related in a Family Team Conference held on February 27, 2009 that she could no longer care for all five children. According to Ms. Steward, the homestudy document was illegible, handwritten, and missing vital information. Ms. Steward requested Ms. Dudley to re-submit the document upon making the appropriate corrections, which Ms. Dudley did on March 26, 2009. On April 2, 2009, a staffing was held with Ms. Dudley, Ms. Steward, and FFN Team Manager Laurice ("Ramsey") Long and it was determined that Ms. Dudley made false statements on a homestudy document. FFN Director of Family Services Lynne Davis notified Circuit 1 Operations Review Specialist Kathi Guy via telephone on April 16, 2009 regarding the possible falsification⁴ by Ms. Dudley.

¹ Effective April 2, 2009, Ms. Dudley was no longer employed at Families First Network.

² The Florida Safe Families Network (FSFN) is Florida's federally funded Statewide Automated Child Welfare Information System that provides information to support multiple community-based organizations and Sheriff's offices, in partnership with the State of Florida, to identify victims of abuse and neglect.

³ Currently, child 1 and child 2 have been placed with the United Methodist Children's Home (UMCH) of Crestview. Child 3 has been placed in foster care with Foster Parent Crystal Johnston. Child 4 and child 5 have been placed in foster care with Foster Parent Melinda Wiggins.

⁴ It is noted that Ms. Guy reminded Ms. Davis that in accordance with CFOP 180-4, all incidents need to be reported to the Office of Inspector General within 48 hours.

Ms. Guy submitted a request for investigation to the Office of Inspector General (OIG) on April 17, 2009. Based on the information received from Ms. Guy, the OIG subsequently commenced an investigation.

Allegation and Findings:

Allegation:

Families First Network Family Services Counselor Helen ("Diane") Dudley falsified a homestudy document for FSFN Case ID #52864. If supported, the allegation would constitute a violation of Lakeview Center, Inc. (LCI) Contract #AJ481; Lakeview Center, Inc. (LCI) Code of Ethics; and the referral to law enforcement to determine if the following statute has been violated: §839.13 (2)(a) and (c), F.S.

Findings:

Information obtained *supports* the allegation.

Families First Network (FFN) Team Supervisor Tina Steward related that she has supervised FFN Family Services Counselor (FSC) Diane Dudley since September 2, 2008. Ms. Steward explained that FSCs are tasked with providing social services for sheltered families, conducting home visits⁵, and assessing child safety. Ms. Steward indicated that the [REDACTED] case (FSFN Case ID #52864) was a high risk case⁶, thus Ms. Dudley would conduct home visits weekly and sometimes daily.

According to Ms. Steward, Relative Caregiver [REDACTED] utilities were disconnected; therefore, she and child 1, child 2, child 3, child 4, and child 5 moved to her paternal uncle and aunt's ([REDACTED]) residence on February 18, 2009. Ms. Steward related that she informed Ms. Dudley that a walk-thru⁷ must be conducted immediately and background checks would have to be completed on all persons in the home over the age of 12 in order to ensure the living arrangement was safe for the children. Ms. Steward explained that Ms. Dudley further informed her several days later that she had made numerous attempts to conduct the walk-thru, but the caregivers would not allow her access to the home. Ms. Steward indicated that Ms. Dudley informed her that the walk-thru was completed on February 25, 2009 and that she directed Ms. Dudley to submit her homestudy document by the March 2, 2009 court hearing to determine if the placement of the children was adequate. Ms. Steward related that the Judicial Review⁸ was conducted on March 2, 2009; however, Ms. Dudley's homestudy document was not

⁵ FSCs conduct home visits either weekly, bi-weekly, or every 30 days depending on the risk to the child or children.

⁶ FSFN Case ID #52864 was a high risk case based on the services that the children needed.

⁷ Ms. Steward explained that a walk-thru is a detailed observance of the residence by a FSC. Ms. Steward stated that a FSC observes the windows, the electrical outlets, the dead bolts on the doors, the smoke detectors and fire alarms, the bedrooms of where the child or children will sleep, and the food in the pantries and refrigerator.

⁸ A Judicial Review is a meeting between the judge, attorneys, caregiver(s) and parents to review the status of the case. A judicial review was scheduled for March 2, 2009; subsequently, a court hearing was scheduled for later that same day. Since all parties were present for the judicial review, the court hearing was held immediately after the judicial review.

completed. Child 1, child 2, and child 3 were subsequently placed with Secondary⁹ Caregivers

Ms. Steward said that the homestudy review was received on March 20, 2009 and was difficult to read due to the document not being typed, sections were left blank and insufficient responses of only “yes” and “no” listed. Ms. Steward recalled that a second draft of the homestudy document was received on March 26, 2009, which appeared to be accurate. Ms. Steward indicated that Ms. Dudley submitted a third homestudy draft on March 31, 2009. Ms. Steward explained that this version of the homestudy document related that the male caregiver was not home at the time of the homestudy; however, Ms. Dudley had spoken with him via telephone on February 24, 2009 regarding his answers to the homestudy questions. Ms. Steward stated that their conversation was never listed in FSFN documentation.¹¹ According to Ms. Steward, it was determined on March 31, 2009 that Ms. Dudley submitted inaccurate information on the homestudy document.

The following table shows the falsification of Ms. Dudley’s submitted homestudy documents:

Homestudy Documents submitted on March 20, 2009 and March 26, 2009	Homestudy Document submitted on March 31, 2009
██████████ was present during homestudy	██████████ was not at the home during the homestudy, FSC talked with him on 2-24-09 by phone and asked him what he is [sic] willing to do and he gave the following answers. ¹²
Yes, the uncle was given a copy of the Caregivers and the Courts [sic] brochure.	Uncle was not provided a copy of the Caregivers and the Courts [sic] brochure as he was not present at the residence on February 24, 2009.
██████████ ¹³ – No Criminal History	██████████ – Extensive Criminal History
Has a gun and ammunition in locked cabinet - No	Has a gun and ammunition in locked cabinet – Yes, kept next door at ██████████ mother’s residence.
Has visible conditions, including level of cleanliness, which would be hazardous to child health and safety - No	Has visible conditions, including level of cleanliness, which would be hazardous to child health and safety - Yes
All Minor and Adult Children of Primary Caregiver(s) Who Do Not Reside in the Home- Blank	All Minor and Adult Children of Primary Caregiver(s) Who Do Not Reside in the Home - ██████████

Secondary Caregiver ██████████ explained that ██████████, child 1, child 2, child 3, child 4, and child 5 relocated to his residence on February 18, 2009. ██████████ recalled that they moved to his residence because ██████████ utilities were disconnected. ██████████ stated

⁹ ██████████ maintained custody of the children as the primary Relative Caregiver.

¹⁰ According to FFN Attorney Deedra Abernethy, the homestudy document is not required to be filed with the court immediately during a placement hearing. Ms. Abernethy explained that as long as the walk-thru has occurred, the homestudy document may be filed with the court at a later date.

¹¹ The OIG Investigator reviewed the FSFN documentation and determined that Ms. Dudley’s notation was accurate and did reflect a conversation with ██████████.

¹² It is noted that Ms. Dudley did not speak with ██████████ via telephone on February 24, 2009. Ms. Dudley spoke with ██████████ face-to-face on this date outside of the residence, but she did not conduct her walk-thru until March 3, 2009 with ██████████ present.

¹³ ██████████ is a paternal cousin to child 1, child 2, child 3, child 4, and child 5, and visits the residence often.

that he did not see Ms. Dudley that same date. According to [REDACTED], Ms. Dudley visited his residence on February 24, 2009.¹⁴ [REDACTED] said that he asked Ms. Dudley to return when his wife ([REDACTED]) and the Relative Caregiver ([REDACTED]) were at the residence. [REDACTED] said that Ms. Dudley agreed and stated that she would attempt another home visit on February 25, 2009. [REDACTED] related that Ms. Dudley visited the residence on February 25, 2009 to conduct the homestudy; however, according to [REDACTED], Ms. Dudley claimed that she would come back to the residence on February 26, 2009, as the family was eating dinner when she arrived. [REDACTED] recalled that Ms. Dudley conducted her homestudy walk-thru review on March 3, 2009, and observed all of the children and the residence on that date.

Attempts by the OIG Investigator to interview Relative Caregiver [REDACTED] were unsuccessful.

FFN Family Services Counselor Helen ("Diane") Dudley related that she was assigned FSFN Case ID #52864 ([REDACTED]) in January 2009. Ms. Dudley explained that the Relative Caregiver ([REDACTED]), child 1, child 2, child 3, child 4, and child 5 moved to the [REDACTED] residence on February 18, 2009 due to the utilities being disconnected and eviction notices received at [REDACTED] residence. Ms. Dudley recalled that she was advised on that same date by Ms. Steward to conduct a homestudy as soon as possible. Ms. Dudley stated that she made several attempts to conduct the homestudy (dates unknown); however, the home visits were unsuccessful.¹⁵ According to Ms. Dudley, she contacted [REDACTED], [REDACTED], and [REDACTED] via telephone on several occasions (dates unknown) to coordinate an appropriate time to conduct the homestudy.

Ms. Dudley explained that she submitted her homestudy document on March 20, 2009 to Ms. Steward. Ms. Dudley recalled that Ms. Steward advised her that the homestudy document was incomplete and illegible. Ms. Dudley stated that she resubmitted the homestudy document (date unknown) to Ms. Steward addressing her concerns. Ms. Dudley said that she realized on March 26, 2009 that she did not indicate [REDACTED] was not present at the residence when she completed the walk-thru on February 24, 2009;¹⁶ subsequently, she requested to revise the homestudy document. Ms. Dudley related that she informed Ms. Steward that she felt pressured to complete the homestudy document; therefore, she "embellished" some of the information.¹⁷ Ms. Dudley related that she felt pressured from Ms. Steward and Mr. Long to complete the homestudy document timely in order for the children to be placed in the [REDACTED] residence. Ms. Dudley further related that she submitted the homestudy document a third time with all of the information that she believed to be accurate.

¹⁴ [REDACTED] testimony is in direct conflict with Ms. Steward's testimony regarding Ms. Dudley's statement.

¹⁵ Ms. Dudley explained that she was unable to conduct the homestudy due to the absence of various family members at the time of her visit or because the family was having dinner.

¹⁶ The physical walk-thru occurred on March 3, 2009.

¹⁷ Ms. Dudley explained that she embellished her homestudy document by changing the paternal uncle's testimony, leaving sections blank and not completing the background checks on all participants.

Ms. Dudley stated she never received any formal training¹⁸ on completing a homestudy document and she could not recall if she had previously completed a homestudy document. Ms. Dudley explained that she did not have access to the homestudy document, thus she had to obtain the document from a co-worker. Ms. Dudley stated that the document was confusing and Ms. Steward never assisted her with the completion of the document.¹⁹ Ms. Dudley said that she never asked Ms. Steward for assistance due to her feeling obligated to complete the homestudy document expeditiously. Ms. Dudley further related that all of her information she notated in FSFN was accurate.²⁰

Central Office Operations Administrator Patricia Badland (formerly the Family Safety Deputy Director) related that there is no policy directing a supervisor to review FSFN when a case is assigned to a Family Services Counselor. Ms. Badland explained that supervisors are required to review all cases assigned to their staff every three months. Ms. Badland indicated that although it would be best practice to review FSFN periodically to assess the status of a case, it is not a requirement that a supervisor must observe the FSFN documentation.

Ms. Badland explained that a homestudy walk-thru can be completed by interviewing the caregivers separately, on different dates, if both parents are not at the residence. Ms. Badland stated that it is important that both parents are interviewed and the residence is observed in its entirety prior to a decision of placement by the court. Ms. Badland expressed that Ms. Dudley's statement that the homestudy walk-thru had been completed prior to the Judicial Review on March 2, 2009 is a problem and should have never indicated as such. However, Ms. Badland related that it is not uncommon that the court is notified verbally that a homestudy walk-thru occurred and the homestudy document is filed within 30 days of the placement ruling.

Additional Allegation and Findings:

During the course of the investigation, the OIG Investigator obtained testimony from Central Office Operations Administrator Patricia Badland (formerly the Family Safety Deputy Director), at which time it was determined that Ms. Dudley was in violation of Rule 65C-28.011, F.A.C. regarding her failure to conduct all of the appropriate background checks within FSFN Case ID #52864.

Additional Allegation:

Families First Network Family Services Counselor Helen ("Diane") Dudley did not timely conduct all of the background checks for FSFN Case ID #52864. If supported, the allegation would constitute a violation of Lakeview Center, Inc. (LCI) Contract #AJ481; Lakeview Center, Inc. (LCI) Code of Ethics; and Rule 65C-28.011, F.A.C.

¹⁸ According to Ms. Steward, she could not recall if Ms. Dudley had previously completed a homestudy document.

¹⁹ Ms. Steward explained that Ms. Dudley did receive training on how to complete homestudy documents and she (Ms. Steward) would staff cases with Ms. Dudley weekly and was available for any concerns Ms. Dudley had with homestudy documents. Ms. Steward expressed that Ms. Dudley worked closely with a trainer and another counselor and never asked for assistance.

²⁰ The OIG Investigator reviewed the FSFN documentation and confirmed that the information Ms. Dudley notated in her chronological notes was consistent with her statement.

Findings:

Information obtained *supports* the allegation.

Families First Network Team Supervisor Tina Steward stated that she informed Ms. Dudley on February 24, 2009 to complete the background checks immediately. Ms. Steward related that Ms. Dudley did not complete the background checks before the March 2, 2009 Judicial Review. Ms. Steward said that Ms. Dudley completed all of the background checks on March 4, 2009, two days after the Judicial Review.

According to Central Office Operations Administrator Patricia Badland (formerly the Family Safety Deputy Director), Rule 65C-28.011, F.A.C. states the following:

“(7) Criminal, Delinquency and Abuse/Neglect History Checks on Additional Persons Subsequent to Placement in a Relative’s or Non-Relative’s Home. The following criminal, delinquency and abuse/neglect history checks, as specified in subsection 65C-28.011(1), F.A.C., are required for new household members, frequent visitors or paramours of any household members if they have not otherwise received the checks within the previous twelve months and there has been no break in service for over ninety days. The court shall be informed of the results within seventy-two hours of their receipt.”²¹

Ms. Badland related that the greatest concern regarding this case is that the background checks were not completed timely. Ms. Badland expressed that had Ms. Dudley properly followed the administrative code, both the attorney and the court would have been made aware of the change in circumstances within 72 hours of the checks coming back on the other relatives.

Department Attorney Deedra Abernethy stated that she was informed by Ms. Dudley prior to the March 2, 2009 Judicial Review, that a Family Team Conference was held on February 27, 2009 with [REDACTED], [REDACTED], Ms. Steward, and COPE Center Behavioral Health Technician Monica Traxler. Ms. Abernethy recalled that Ms. Dudley explained that it is the recommendation of FFN that child 1, child 2, and child 3 be placed with [REDACTED]. Ms. Abernethy said that she did not specifically discuss with Ms. Dudley if the background checks, walk-thru, and homestudy of the [REDACTED] were completed, as these are part of their normal duties. Ms. Abernethy related that she advised the court on March 2, 2009 that changing the placement of child 1, child 2, and child 3 would not actually be a physical change of placement, because they were already residing with the [REDACTED] family.

Ms. Dudley related that she initiated her background checks for the [REDACTED] residence prior to the March 2, 2009 court hearing. Ms. Dudley explained that she could not recall which individuals she began the background checks for. Ms. Dudley stated that Ms. Steward relayed to her to complete the homestudy document and background checks prior to the court hearing. Ms. Dudley said that she informed Ms. Abernethy prior to the court hearing that the [REDACTED] residence was adequate for child 1, child 2, child 3, child 4, and child 5. Ms. Dudley

²¹ It is noted that the court was notified that the background checks were completed on March 4, 2009.

acknowledged that she completed the homestudy walk-thru and background checks after the March 2, 2009 court hearing. Ms. Dudley further related that she could not recall which individuals she completed the background checks for after the court hearing.

First Judicial Circuit Judge W. Howard LaPorte expressed that he was advised on March 2, 2009 during the Judicial Review by Ms. Abernethy that a Family Team Conference was held on February 27, 2009. Judge LaPorte stated that it was determined at the Family Team Conference that [REDACTED] could no longer care for the five children; however, she would continue to care for child 4 and child 5. Judge LaPorte explained that he assumed a background check, walk-thru or homestudy had been completed on the [REDACTED] family prior to the Judicial Review. Judge LaPorte iterated that he would not have ordered an alternative placement for the children had he known that the background checks, walk-thru or homestudy was not completed. According to Judge LaPorte, he believed that Ms. Abernethy would not have requested or recommended a change in placement without the background checks, walk-thru or homestudy being completed on the [REDACTED] family.

Risk Assessment:

FFN Team Supervisor Tina Steward advised that on April 29, 2009, her unit was reassigned Ms. Dudley's caseload of 10 cases and advised that as of May 27, 2009, all 20 children within Ms. Dudley's caseload had been observed and determined to be safe.

Ms. Steward related that for the months of February and March 2009, her unit consisted of seven Family Services Counselors. Ms. Dudley averaged 10 cases and the other six counselors averaged 13 cases.

Inspector General's Comments:

Information obtained *supports* the allegation that Families First Network Family Services Counselor Helen ("Diane") Dudley falsified a homestudy document within FSFN Case ID #52864. Although the children were seen face-to-face, it was determined that Ms. Dudley falsified the homestudy documents she submitted on March 20, 2009 and March 26, 2009. It is noted that Ms. Dudley's homestudy was never filed with the court.

The Additional Allegation that Ms. Dudley did not timely conduct all the background checks for FSFN Case ID #52864 is *supported*. Central Office Operations Administrator Patricia Badland (formerly the Family Safety Deputy Director) related that it is of concern that Ms. Dudley did not conduct the proper background checks in accordance with the Florida Administrative Code. In addition, First Judicial Circuit Judge W. Howard LaPorte advised that he would not have ordered an alternative placement for the children had he known that the background checks, walk-thru or homestudy was not completed.

It is recommended that the Northwest Regional Director review the findings of this investigation, provide a copy of this report to the Executive Directors of Lakeview Center, Inc. and Families First Network, and request that the personnel file(s) for Ms. Dudley reflect the findings of this investigation.

In accordance with Section 20.055(6)(c), F.S., this investigation was coordinated with the Walton County Sheriffs Office on August 31, 2009, as there was reasonable belief that a violation of §839.13, (2)(c), F.S. (Falsifying Records) occurred. On October 5, 2009, the Walton County Sheriffs Office advised that the State Attorney's Office (1st Judicial Circuit), in and for Escambia, Okaloosa, Santa Rosa, and Walton Counties, had declined to prosecute the case.

In compliance with §20.055(6)(e), F.S., a copy of this report was provided to Ms. Dudley on October 30, 2009. No response was received from Ms. Dudley.

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This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.